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Message Text

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ORIGIN L-02

INFO OCT-01 EA-02 ISO-00 /005 R

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DRAFTED BY: L:SMSCHWEBEL
APPROVED BY: L:SMSCHWEBEL
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O 031533Z OCT 74
FM SECSTATE WASHDC
TO AMEMBASSY CANBERRA IMMEDIATE

C O N F I D E N T I A L STATE 203809

FOLLOWING REPEAT STATE 203809 ACTION PARIS TOKYO INFO GENEVA
USUN NEW YORK MEXICO OCT 2, 1974

QUOTE C O N F I D E N T I A L STATE 203809

E.O. 11652: GDS
TAGS: EGEN, UNCTAD, OECD
SUBJECT: OECD CONSULTATIONS ON CHARTER OF ECONOMIC RIGHTS
AND DUTIES OF STATES
REFS: (A) GENEVA 5737 (B) GENEVA 5670 (C) GENEVA 5654
(D) MEXICO 7723

1. USDEL IN OECD CONSULTATIONS ON CERDS REQUESTED TO
MAKE FOLLOWING POINTS.

2. (A) USDEL AT OCTOBER CONSULTATIONS IN NY WILL MAKE
EVERY EFFORT TO PROMOTE AGREEMENT ON A CHARTER WHOSE
TERMS ARE SATISFACTORY. MOST CONTENTIOUS ISSUE REMAINS
NATIONALIZATION OF FOREIGN PROPERTY. USG WILL NOT
ACCEPT FORMULATION WHICH IMPORTS THAT A NATIONALIZING
STATE MAY DEFINITIVELY DISPOSE OF FOREIGN PROPERTY WITH-
OUT REGARD TO ITS INTERNATIONAL OBLIGATIONS.

(B) IF NY CONSULTATIONS FAIL, USG WILL SUPPORT A PROPOSAL
FOR A FIFTH SESSION OF THE UNCTAD WORKING GROUP, BUT, ON
BASIS OF MEXICAN ATTITUDE AT RECENT GENEVA CONSULTATIONS,
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BELIEVES SUCH A PROPOSAL IS UNLIKELY.

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(C) IF UNSATISFACTORY CHARTER IS PRESSED TO A VOTE, USG
INTENDS TO VOTE AGAINST THE CHARTER AS A WHOLE, PROVIDED
THAT SOME LIKE-MINDED OECD MEMBERS WILL ALSO DO SO. FYI:

FOR PURPOSES OF THIS INSTRUCTION, WE ARE STRESSING
NECESSITY OF JOINT ACTION IN ORDER TO COMBAT ANY TENDENCY
ON PART OF EC OR JAPAN TO LET USG ALONE TAKE THE HEAT
OF A NEGATIVE VOTE WHILE THEY MERELY ABSTAIN. END FYI.
IF THIS APPROACH IS OPPOSED, YOU SHOULD STATE THAT A
VOTE AGAINST THE OFFENDING PARAS, COUPLED WITH ABSTENTION
UPON OR A POSITIVE VOTE FOR THE CHARTER AS A WHOLE,
WILL NOT CONSTITUTE A SUFFICIENT DEFENSE OF OUR INTERESTS;
A NEGATIVE VOTE ON THE CHARTER AS A WHOLE IS REQUIRED.
YOU MAY EXPRESS LINE OF REASONING GENEVA'S 5670, ENDORSED
BY MEXICO'S 7723, NAMELY THAT (1) AN ABSTENTION WOULD
BE TREATED AS TANTAMOUNT TO THE ABSENCE OF PROTEST,
AND RESERVATIONS ATTACHED TO EITHER A POSITIVE VOTE OR
ABSTENTION WILL TEND TO BE FORGOTTEN; (2) ADVANCE
WARNING TO MEXICANS AND G-77 AS A WHOLE THAT ENTIRE
CHARTER WOULD SUFFER NEGATIVE VOTE OF PRINCIPAL WESTERN
COUNTRIES IF KEY ISSUES REMAIN UNRESOLVED MIGHT INDUCE
G-77 TO MOVE FROM PRESENT INFLEXIBLE POSITION.

(D) WE HAVE NOT YET INFORMED MEXICO OF THIS INTENTION
AND WILL WISH TO DO SO DIRECTLY RATHER THAN MEXICO
BEING SO INFORMED OTHERWISE.

3. ONLY IF ASKED WHAT USG VIEWS ARE ON NECESSITY OF
INCLUDING A PROVISION IN CHARTER ON SECURITY OF SUPPLY
OF RAW MATERIALS, USDEL SHOULD RESPOND THAT WE FAVOR
SUCH A PROVISION IF IT IS SATISFACTORILY WORDED, AND
THAT WE COULD ACCEPT A REQUEST FOR A QUID PRO QUO IN
THE FORM OF A PROVISION FOR STUDY OF COMMODITY AGREEMENTS
IN A MUTUALLY ACCEPTABLE FORUM. HOWEVER, IF IT PROVES
THAT ONLY WAY OF PERSUADING GROUP OF 77 TO DROP FROM
THE CHARTER DRAFT ITS PROPOSED PROVISIONS ON PRODUCERS'
ASSOCIATIONS, INDEXATION AND RESTITUTION FOR RAVAGES OF
COLONIALISM ETC. IS TO DELETE A PROVISION ON SECURITY
OF SUPPLY, THIS IS A DEAL THAT WOULD BE WORTH MAKING,
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AT ANY RATE IF IT SHOULD PROVE POSSIBLE TO RESOLVE OTHER
OUTSTANDING ISSUES, NOTABLY THOSE TURNING ON
NATIONALIZATION. KISSINGER UNQUOTE INGERSOLL
UNQUOTE SISCO

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 03 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE203809
Document Source: CORE
Document Unique ID: 00
Drafter: L:SMSCHWEBEL
Enclosure: n/a
Executive Order: RR
Errors: N/A
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741074/aaaackxn.tel
Line Count: 111
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 29 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 APR 2002 by elyme>; APPROVED <11 MAR 2003 by CollinP0>
Review Markings:

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US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OECD CONSULTATIONS ON CHARTER OF ECONOMIC RIGHT AND DUTIES OF STATES
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